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LAW AND LIFE.

There is not a man alive unaffected by the law, not a lawyer on the rolls untroubled by life. Law and Life, Life and Law, the two words are almost interchangeable.

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Current Topics.

Receipts for Income Tax.

THERE IS much to be said for the importance of a separate official receipt for each item of tax paid. There is evidence of a greater reluctance on the part of collectors of taxes to issue a receipt for each item covered by a single payment. Solicitors usually make one cheque in payment of the Schedule A tax on all properties in one estate and frequently obtain only one receipt. It will be seen that difficulty must arise in such cases where the various properties are securities for separate mortgages to different mortgagees and also where claims for repayment of income tax are made to the authorities and receipts to cover a small amount of tax have to be forwarded. There is no reason why a separate receipt should not be given to cover each individual item represented by a payment and the advice to practitioners to send a general request to their collectors of taxes to issue separate receipts for all future payments of income tax should result in the saving of much time and annoyance in the offices of solicitors. Many practitioners have been very outspoken on this new practice of the officials, but the adoption of this course will obviate trouble in the future.

Registration of Accountants.

THE INTERNATIONAL CONGRESS on Accounting in New York was the largest meeting of accountants ever held, upwards of 3,000 delegates being present. Although more than fifty papers were read by accountants from different countries, that on "Legislation and Education for the Accountancy Profession in England," read by Mr. THOMAS KEENS, the President of the Society of Incorporated Accountants and Auditors, created much interest in professional circles. Mr. KEENS said that the qualifications attained by a most arduous course of training had secured wide public reputation, but he regretted the absence of specific legislation for a register, set up by Statute, to contain the names of all persons entitled to carry on public practice. At the present new bodies of accountants are constantly being formed and practically anyone may commence practice. Although the use of the designation "Chartered Accountant" and "Incorporated Accountant" had been restricted exclusively to these bodies by the High Court, there was no real protection in practice. His society had consistently advocated registration for many years and a number of attempts had been made to pass a Bill through Parliament for the purpose. In 1911 a Bill was introduced and was only dropped through an accident of procedure. Mr. KEENS mentioned that our legislation often requires the employment of an accountant or auditor, but that no qualifications are demanded except in regard to the accounts of the principal municipal corporations which, under a series of Acts of Parliament dating from 1890, must be audited by a chartered or incorporated accountant. Attempts which had been made to remove this limitation had failed, and no other accountancy bodies have been able to satisfy Parliament that their qualification is of sufficiently high standard.

The Droit Administratif in Tanganyika.

A CORRESPONDENT from Tanganyika has forwarded to us a copy of a bill entitled "An Ordinance relating to Native Courts," which was submitted to the Legislative Council of that Colony and passed without alteration, though, as our correspondent informs us, against the unanimous opposition of the non-official members of the Council, being forced through by the official majority. Briefly, this Ordinance takes native courts away from the jurisdiction of H.M. High Court of Justice in Tanganyika, and places them under the control of the Governor, who has power to appoint and dismiss the judges of such courts, and alone to entertain appeals from them. In what may be called the "apologia" published with the bill, it is stated that the separation of executive and judicial functions is "contrary to native tradition, and thus a possible source of confusion." To prevent such confusion, therefore, the Governor's nominees, appointed and dismissed at his pleasure, are to exercise judicial functions, with the Governor himself as a benevolent court of appeal in the background. It is perhaps unnecessary to add that the Governor need have no knowledge of legal procedure and principles, nor apparently is it required for the members of such courts. Our correspondent observes that the Ordinance appears "a very bold attack by the Executive on the position of the High Court," but modestly doubts whether the matter is of sufficient general interest to deal with in THE SOLICITORS' JOURNAL. We can only assure him that we agree with his first observation, and that he need entertain no doubt of the general interest. We are happy to give the Ordinance all the publicity in our power, and commend attention to it to members of Parliament, who may like to have an explanation of its inception and existence from the Colonial Office. In 1640 the "Court commonly called the Star Chamber" was abolished "and all jurisdiction, power and authority belonging unto and exercised in the same Court or by any of the judges or ministers thereof" and its powers "clearly and absolutely dissolved, taken away and determined." The ignorant natives of England failed to understand the inherent benevolence of the Stuart Kings in such a Court of Justice, but the ignorant natives of Tanganyika will be confused if justice is administered by persons familiar with its principles, and prefer officials. And since the officials themselves assure us of the preference, there can be no doubt on the matter.

The Gift of the Body for Dissection.

IN ANNOUNCING that Professor HALDANE and his wife have signified their intention to leave their bodies to a medical school for dissection, an evening paper observes that "it is not possible for a person to leave his body for medical purposes by will. He can only express a wish. It is for the nearest relatives to decide what shall be done with the body." This is hardly an accurate statement of the law contained in s. 8

of the Anatomy Act, 1832. This section provides that, if anyone, either in writing at any time during his life, or verbally in the presence of two or more witnesses in his last illness, shall direct that his body shall be examined anatomically, and such direction shall be made known to the party having lawful possession of the dead body, then such party shall direct such examination to be made, unless the deceased's surviving spouse or one or more of the nearest known relatives require the body to be interred without such examination. Thus anyone can make a peremptory declaration, binding on the executor if neither spouse nor near relative, but subject to a veto on the part of either surviving spouse or any of the class of next-of-kin. It may be added that a will would be an unsuitable document for such a declaration, for there is or was a custom to read it after the funeral. Possibly, however, a testator might make certain gifts in his will to his widow and children conditional on his wishes in this respect being carried out, and if he let them know of the condition in his lifetime, he would have reasonable assurance that the veto would not be exercised. This veto would require the body to be interred, and therefore presumably could not be exercised to substitute cremation, unless the ashes were to be buried. There might be a point also whether the reference to next-of-kin has confined the possible objectors to persons eligible to take on intestacy under the Administration of Estates Act, 1925. It is stated that the medical schools need as many bodies as they can get, and the dissection of the brain of any person distinguished in science or other learning, and comparison of such a brain with those of persons less gifted might lead to valuable results. It is also stated that the remains afterwards are always cremated and given a Christian burial—assuming, no doubt that the deceased professed the Christian faith. As to the disposal of a dead body generally: see 70, SOL. J. p. 37.

Gretna Green Marriages.

THE RECENT case of a Scottish irregular marriage at Gretna Green between a youth of eighteen and a widow of twenty-seven years of age has again drawn attention to the somewhat strange marriage laws which exist north of the Tweed, which, we understand, are at present under consideration by the authorities with a view to regularisation. The glamour of romance which surrounded the smithy at Gretna Green when it was the resort of eloping couples from England survives strongly enough for young people still to contract marriages which would be invalid in England. Since the passage of LORD BROUGHAM'S Act in 1856 there is no valid reason why an "irregular marriage" should not be contracted at any place in Scotland so long as the requisite, that one of the parties has his or her usual residence there or has resided there for twenty-one days immediately preceding the ceremony, is complied with. Subject to this essential condition the marriage is a good one if the mutual declaration of assent is made before a witness, orally or in writing. The difficulty is proper proof of such a marriage, and this may be surmounted by the registration of the marriage by a sheriff, who must be satisfied of the fact of due residence by the sworn statements of two witnesses before he puts it on record. Whether the requisite of residence has been complied with is a question of fact which must be decided in each case by the Court if the validity of such a marriage is in issue. It has never been decided if a three week's motor tour in Scotland would be regarded as residence for this purpose, and it would hardly be wise for any romantic couple to put this point to the test. In the case of *Lawford* (*otherwise Davies*) v. *Davies* (1878), 4 P.D. 61, a man and a woman domiciled in England were resident in Scotland from 4 a.m. on 1st July to 11 a.m. on 21st July, at which hour an irregular marriage was celebrated, but the court held that the twenty-one days' condition had not been followed, and a decree of nullity was pronounced. A Scottish judge, LORD NEAVES, once neatly summed up the surprising casualness of this type of marriage (which probably will soon be invalidated *in futuro* by Statute) in the following satirical verse:—

Suppose the man only has spoken,
The woman just giving a nod;
They're spliced by that very same token
Till one of them's under the sod.
Though words would be bolder and blunter,
The want of them isn't a flaw;
For *nutu signisque loquuntur*
Is good consistorial law.

Condoning Adultery.

A VERY interesting point cropped up before Lord MERRIVALE in *King* v. *King and Evans*, an undefended divorce petition, on Monday 14th October. Petitioner was a jobbing gardener, and the co-respondent, Evans, a lodger. In consequence of his wife's misconduct with Evans, petitioner had ceased to live in the house for some years past, but did in fact continue to go there occasionally for week-ends because he had casual work in the vicinity. He had not co-habited with his wife since shortly after the marriage in 1916. In 1928 co-respondent's wife obtained a decree at Birmingham Assizes, but the judge adjourned *King* v. *King and Evans* for hearing in London. What had happened was that Mrs. KING when she heard her husband was instituting proceedings for divorce, retaliated by summonsing him for desertion. KING went to his solicitors to ask for their advice on this move, and in consequence they drew up a separation deed by which he undertook not only not to molest her, and to maintain children already born and another of which his wife was then pregnant by EVANS, but also agreed that his wife might carry on business, and reside with whom she pleased! Lord MERRIVALE expressed himself very strongly on the extraordinary wording of this document, and was in great doubt whether he could grant the decree asked in view of such "condonation, past and future" as must be implied by the deed. As, however, Lord MERRIVALE believed that the petitioner did not know what he was signing, or that the effect of the deed would be as indicated, he eventually consented to a decree *nisi*, with the proviso that the papers be sent to the King's Proctor to ascertain whether he concurred with the President's views.

Women as Senators.

ANOTHER STEP in the emancipation of women from the shackles with which for centuries they were held in legal and political bondage has been taken by the decision of the Judicial Committee of the Privy Council that in s. 24 of the British North America Act, 1867, which empowers the Governor-General to summon "qualified persons" to the Senate, the word "persons" is not to be construed as limited to male persons, thus enabling the Governor-General, should he be so advised, to summon women to sit as members of the Canadian Senate. This brings to an end a controversy which has waged for some time in Canada, and reverses the decision arrived at by the Supreme Court of that Dominion to which the question had been referred by the Governor-General. The Canadian ladies are thus placed in a more favourable position than those of this country so far as membership of the Upper House is concerned, for it will be remembered that in *Viscountess Rhondda's Claim*, 66 SOL. J. 630; [1922] 2 A.C. 339, a Committee of Privileges, by a majority of twenty-two to four, held that a peeress of the United Kingdom in her own right is not entitled, by virtue of s. 1 of the Sex Disqualification (Removal) Act, 1919, to receive a writ of summons to Parliament. The decision in the Canadian case turned on the construction to be given to the word "persons" in an Act of Parliament, whereas in *Viscountess Rhondda's Case* the question largely turned on old-established rules and customs and on the right of the House of Lords to determine who were qualified to sit as members of that body, just as it did when it rejected the claim of Lord WENSLEYDALE to sit and vote as a life peer. Time, however,

is on the side of the peeresses in their claim to share in the work of the House of Lords and the decision of the Privy Council in the Canadian appeal may well give an impetus in this direction. We have travelled far indeed from the standpoint of the old days when GOLDSMITH, in his ever-delightful comedy, "She Stoops to Conquer," put into the mouth of TONY LUMPKIN, what was then considered as the acme of absurdity, the assertion that Mr. HARDCASTLE, being so puffed up with the sense of his own importance, would persuade visitors "that his mother was an alderman, and his aunt a justice of the peace." What was then uttered as the veriest jest has become an everyday actuality. So the whirligig of time brings in its revenges.

Poisoning Statistics.

THE REGISTRAR-GENERAL'S statistical review (just published) for the year 1928 contains some remarkable information, not the least noteworthy being the number of suicides occurring annually from the taking of "lysol." By a singular coincidence, in the article upon "Arsenic," published in THE SOLICITORS' JOURNAL on 28th September, the writer, on p. 623, refers specially to the ease with which "lysol" may be obtained from unqualified persons who are licensed to sell poisonous substances used for horticultural and agricultural purposes, and who are not subject to the strict regulations that are binding upon trained qualified chemists. This seems to us to be a strange anomaly: and when we look at the Registrar-General's returns the result is nothing less than astonishing. Out of 664 cases of suicide by poison during 1928, no less than 287 were effected by taking "lysol"! Of accidental deaths from poisoning during the same year "lysol" only accounted for eleven out of a total of 142. If figures mean anything, they mean in this particular matter that persons intent upon suicide are able to obtain "lysol" with greater ease than all other poisons put together; and in view of what has now been pointed out as to the ineffectiveness of the regulations, it is a reasonable supposition that this licensing of unqualified vendors needs to be reconsidered.

Court Deposition Challenge.

UNDER THIS heading the daily press reports some remarks made at the Middlesex Sessions recently. A witness under cross-examination was asked if a statement in his deposition was true. He replied that it was, but added that he had said more than was written down. Counsel for the defence suggested that if the witness had said more, the clerk would have taken it down. The chairman pointed out that the magistrates' clerk, who wrote the depositions in longhand, put down what he thought material, and added, "It is a pity we have to rely on the longhand depositions and the magistrate's clerk. I want you to realise that these depositions must not be taken as conclusive." He further said, "I am pointing out that the depositions are not infallible." The question of the fullness of depositions is an old one. The witness and the clerk look at the matter from a different angle. Much that a witness blurts out in the police court is not evidence at all in the technical sense of the word. It is a clerk's duty to omit hearsay statements, for instance. No one could claim infallibility for depositions, but our own experience is that, with some exceptions, they represent very accurately and closely the evidence given by the witness. Some would have everything said recorded in the form of question and answer, and this would no doubt have the great merit of making it clear when the witness volunteers a statement and when he merely accepts something put to him by counsel, which is much less valuable testimony. But the gain would be balanced by considerable loss. Instead of having a connected statement of moderate length, there would come into existence a very long and often disjointed memorandum of the evidence. As in every other department, a choice of evils has to be made, and on the whole we are of opinion that here the lesser has been chosen.

Criminal Law and Police Court Practice.

CABINET MINISTER AS PROBATION OFFICER.—A young man who was charged at the County of London Sessions last week must surely have earned the distinction of being the first person to be put on probation under the supervision of a member of the Government. Mr. George Lansbury, the First Commissioner of Works, appealed for leniency on behalf of the accused, whose family he had known for years, and offered to see him weekly and report how he was getting on. Sir Robert Wallace, K.C., agreed to the proposal, released the young man on probation, and made it a condition that he should report weekly to Mr. Lansbury. If, as seems to have been the case, Mr. Lansbury was named in the order to act as probation officer, the court was resorting to a useful power contained in the Criminal Justice Act, 1925, which is employed so seldom that it is apt to be overlooked. Ordinarily, cases are assigned to the supervision of persons who are regular probation officers; but in special cases, where it seems desirable to the court, some person who is not a probation officer may be entrusted with the duty of supervision. This may occasionally be most suitable, when, as in this instance, some responsible person, likely to exercise a strong and wholesome influence over the probationer, is willing to undertake the duties of a probation officer.

THE WORM TURNS.—The foot-pedestrians, as some policemen call them, are in bad odour. Motorists (whom they must surely outnumber by some millions) have never a good word for them; they, by their careless walking or their inability to show in middle age the activity of extreme youth, are the cause of nearly all the accidents upon the roads. The motorist, gently cruising (that is the right word, we believe) at fifty, or maybe sixty, suddenly finds himself confronted by a fool of a pedestrian, who, for some obscure reason, wishes to cross the road. Of course, it ought not to be allowed; such people ought to be summoned for obstruction, as indeed they are in some of the more enlightened countries. As to speed, everyone knows, says the motorist, that high speeds are just as safe as crawling, and quick acceleration is more important than efficient brakes. Is it not also well known, since statistics prove it, that very few accidents occur to vehicles travelling at high speed, and that it appears clearly that about 5 miles an hour is the most deadly rate of all? Ask any coroner! Abolish the speed limit, and every motorist, however heedless before, will at once realise his obligation to travel at the speed appropriate to the circumstances; retain it, and no one will ever do less than twenty, wherever he may be and whatever the traffic conditions. So we have gone on, and because motorists have their organisations and the pedestrians have had none, the voice of the many has rarely been raised; and if it has it has soon been drowned by the derisive retorts of the organised minority. But, at last, a Pedestrians' Association has been formed, and has made its voice heard. For our own part, because we are motorists one day and pedestrians another, we are glad to hear the views of the hitherto defenceless pedestrians, who boldly put forward a few pertinent propositions we have ourselves wished to propound. Put very briefly, their chief points are (1) the abolition of the speed limit is quite likely to encourage people to go as fast as they like, (2) the greater the speed the greater the difficulty in stopping, (3) the greater the speed the less time to make the right decision in emergency, (4) the greater the speed the more serious the results of an accident, and (5) the greater the speed the more difficult for pedestrians to get out of the way. We should also like to know who vouches for the low speeds at which accidents are generally said to occur—is it the driver himself? And is the speed referred to in these statistics the speed at the actual time of the accident? If so, it would be instructive to know what it was just before the accident.

The Church's Power to Punish.

Following the imprisonment of Mr. Stevens, a Cambridgeshire farmer, for contempt of an Ecclesiastical Decree requiring him as lay rector of Hauxton to keep the chancel of the church there in repair, the Lord Chancellor has appointed a committee to consider the Church of England's powers of punishment generally. We commented on this particular case on p. 456, *ante*, but the committee will have to consider whether the Ecclesiastical Courts have other latent powers under which church laymen, or even nonconformists and atheists, may be sent to prison.

Of the miscellaneous primitive activities of Archidiaconal or Commissary Courts in the Middle Ages, Archdeacon Hale's work, quoted in the previous note, bears witness; the powers exercised were partly those of a modern magistrate, and partly almost those of a schoolmaster. It seems a remarkable circumstance that this jurisdiction has never been formally abolished. In the words of Professor Maitland ("Constitutional History," p. 523), they had, and theoretically still have, a considerable penal jurisdiction over laity as well as clergy, in what we may call cases of irreligion and immorality; a power to correct the sinner *pro salute animæ* by means of penance and excommunication. Throughout the Middle Ages this power was largely used, and it has never been expressly taken away. However, it has long been considered an established principle that the Ecclesiastical Courts were not to try men for temporal offences.

Although the general power to punish a subject "for the lawful correction of his manners and excesses" has not been in terms abolished, in specific matters the jurisdiction of the Church Courts was carved away piecemeal about the middle of the last century. In 1855 the power to entertain suits for defamation was abolished by the Act 18 & 19 Vict. c. 41, with the preamble "Whereas the jurisdiction of the Ecclesiastical Courts in suits for defamation has ceased to be the means of enforcing the spiritual discipline of the church, and has become grievous and oppressive to the subjects of this Realm." By the Court of Probate Act, 1857, s. 2, all jurisdiction of these courts in matters of probate was abolished, though probably there were few such proceedings of a criminal nature, the offences of forging wills, concealing them, etc., being punishable by the ordinary law. Again, by the Matrimonial Causes Act, 1857, s. 2, the jurisdiction of the courts in matters matrimonial, save for granting marriage licences, was transferred to the Divorce Court. This jurisdiction included certain powers to imprison, e.g., for contempt of a decree for the restitution of conjugal rights. The Divorce Court was unwilling to exercise this power, and it was abolished in 1884, as recorded on p. 456. The loss of another power, however, namely, that to punish for incest, was found to be a hiatus creating inconvenience and scandal. Whether or not the experiment of presenting an incest case to the Divorce Court for punishment was made, as a practical matter the court did not deal with the offence, which, after a considerable interval, was made criminal by the Punishment of Incest Act, 1908—an Act otherwise notable for the experiment, since abolished, of requiring cases under it to be heard *in camera*.

If the jurisdiction of the Ecclesiastical Courts was taken away in respect of matters matrimonial, it is arguable that those courts still retained and retain the power to punish single persons for immorality. By the statute "*Circumspecti Agatis*," 13 Edw. I, it would appear that there was a dual jurisdiction in the King's and Bishop's Courts in such matters. A simple offence against morality is no longer punishable in the King's Courts, and no ecclesiastical judge would now allow his office to be promoted against it.

In 1860, under the Ecclesiastical Courts Jurisdiction Act of that year, the offence of "brawling" was made punishable in the King's Courts, and the church ceased to have jurisdiction. It may, perhaps, be surmised that the office of the judge, promoted by Tipkins against Bullock for his soul's correction, a case considered by young Mr. David Copperfield on behalf of Mr. Spenlow, was of this nature. Bullock, it may be remembered, had pushed Tipkins against a pump, which was under the eaves of a church, and thus jurisdiction arose.

The Compulsory Church Rate Abolition Act of 1868, abolishing the power of the Spiritual Courts to imprison in default of payment of such rates, was perhaps the last of the measures depriving them of jurisdiction. The survivals of that jurisdiction now remain to be considered.

Stevens' Case was such a survival, and followed *Morley* v. *Leacroft* [1896] P. 92. From such cases it is clear that the Ecclesiastical Courts have power to require a lay rector to repair a chancel out of repair, and, if he disobeys, to cause him to be imprisoned for contumacy by the appropriate process. The Mayor of Reigate has just raised the interesting point as to the court's powers if a corporation is in default in this way.

Walter v. *Mountague* (1836), 1 Curt. 253, was a criminal case in the Consistory Court of London, brought by a rector against churchwardens, who, without consulting him, and without a faculty, had diverted a footpath across the churchyard, causing the turf over graves in its new course to be removed. This was entertained by Dr. Lushington, who said, "With regard to the jurisdiction, the churchyard being consecrated ground, this court has cognisance of the matter, and it is my duty to protect it against any unauthorised or illegal invasion whatever." Eventually the churchwardens, who pleaded that they had acted for the best and had mistaken the law, were monished and ordered to pay costs, the question whether the path should be restored being referred to the bishop. *Breeks* v. *Woolfrey* (1838), 1 Curt. 880, was again a criminal suit by an incumbent, here against a widow who had caused an inscription requesting prayers for his soul to be placed on her husband's tomb in the churchyard. Sir H. Jenner came to the conclusion that such a request was not against the doctrine of the Church of England, and that, therefore, no ecclesiastical offence had been committed in inscribing it on the tomb. The question whether the incumbent had consented to the erection of the tomb was raised, but dismissed on a point of pleading. *Harper* v. *Forbes* (1859), 5 Jur. N.S., 275, was another criminal case against churchwardens, who had caused or allowed a portion of their churchyard to be thrown into a road, thus technically desecrating it. The promoter was a parishioner, and the articles were held to be proved. In none of these proceedings was there any stubborn disobedience of the court by the accused person or persons. In *Adlam* v. *Colthurst* (1867), L.R. 2 A. & E. 30, however, a churchwarden who had actually removed the bones of parishioners from the churchyard to his field to use as manure, and then transferred the field to his son-in-law, colourably, as the court found, and to evade the order to replace them, was threatened with imprisonment unless the order to restore them was obeyed within six days. Thus it may be deduced that imprisonment would have been possible in the previous cases, and would still be possible on disobedience to a mandatory order in a criminal case, though Lord Penzance stated in *Neville* v. *Kirby* (1898), P. 160, that there was "no precedent or warrant for the exercise of the coercive powers of the court to enforce against a layman a payment of a money claim." In effect, then, the jurisdiction to send to prison by the machinery of the "significavit" arises on disobedience to an order equivalent to an injunction, usually in a mandatory form, to restrain interference with the proper use or enjoyment of consecrated property either by an act of omission, as in the repair cases, or commission, as in the interferences with churchyards or erection of tombstones without the incumbent's approval. There is, of course, no injustice either in requiring persons to respect obligations to repair property into which they have voluntarily entered,

or in ordering trespassers to cease trespass, and make good the damage they have done. Injunctions for such purposes are granted in Chancery every day, and, if a prophecy may be made, the probable course of the committee will be to recommend the transfer of the last active remnants of the ecclesiastical criminal jurisdiction against the laity to be transferred to the Chancery Division of the High Court, which can and does enforce its injunctions by imprisonment when necessary without any popular outcry against its proceedings. If a lay rector is a nonconformist or atheist, prejudice arises on his imprisonment at the behest of an Ecclesiastical Court, although the imprisonment may be justly ordered to prevent a gross breach of another person's rights. Chancery judges could act without that prejudice, and their office is promoted without reference to the manners and excesses of defendants, otherwise than as manifested by the behaviour for which the plaintiff desires redress.

Whether the power of spiritual correction of the individual for his moral benefit should be formally abolished is perhaps of no particular importance, since its exercise is obsolete. No doubt any Act passed to transfer the jurisdiction would contain a saving in respect of clergymen of the Church of England, who may be deemed to have expressly submitted themselves to it.

Company Law and Practice.

THE usual form of article which deals with the disqualification of directors (in Table A of 1908 this was Article 77), if it be not amended to conform with the new law, is not actively misleading, but does not go far enough, because the court now has power to make orders prohibiting persons from being directors of companies. This power is conferred by ss. 217 and 275 of the Companies Act, 1929, and may be exercised in cases of fraud; any order made thereunder will be effective even if the articles are silent on the point. The new Table A (Article 72) includes in its list of disqualifications the prohibition of a person from being a director by reason of any order made under ss. 217 and 275 of the Act, and it may be well to bear this possibility in mind.

* * * * *

A director who is either directly or indirectly interested in a contract or proposed contract with the company of which he is a director is now required to declare the nature of his interest at a board meeting (s. 149 (1)). This section, which should be referred to for details, makes provision for the time and manner of disclosure, and imposes a penalty of £100 on any director who fails to comply with its provisions. Any clause in the articles dealing with contracts of directors with the company must now be read in conjunction with this section: it is dealt with in the new Table A by a proviso to Article 72.

* * * * *

The position of auditors has been affected to some extent by the new legislation, and it is proposed to deal with this at a later stage, but for the moment it is only possible to mention the matter from the point of view of the articles. Hitherto these have usually provided, in effect, that auditors should be appointed and their duties regulated in accordance with ss. 112 and 113 of the Companies (Consolidation) Act, 1908; these sections now appear in an enlarged and amended form as ss. 132, 133 and 134 of the Act of 1929.

* * * * *

In recent years it has become a common practice to insert in the articles of a company an indemnity clause of a very wide character, purporting to indemnify the directors, auditors, secretary and other officers of the company from the consequences of their actions in the execution of their duty or supposed duty, unless they are guilty of dishonesty or wilful neglect or default. Articles of this nature have been considered by the court in the cases of *Re Brazilian Rubber Plantations & Estates* [1911] 1 Ch. 425, and *Re City Equitable Fire Insurance Co.* [1925] Ch. 407. In the former case, NEVILLE, J., stated that he did not see how to escape from the conclusion that this immunity was one of the terms upon which the directors held office, and that he did not think that it was illegal for a company to engage its directors upon such terms. In the *City Equitable Case*, ROMER, J., followed the decision of NEVILLE, J.

It will probably be fairly generally agreed that articles of this nature, or some of them, go further in the way of protecting the persons whom they purport to protect than should, at the present time, be allowed, and s. 152 of the Companies Act, 1929, makes a step in the direction of the prevention of abuses of this nature. It enacts that any provisions, whether in the articles or any contract, for exempting any director, manager, officer or auditor of a company from, or indemnifying him against, any liability which by any rule of law would otherwise attach to him in respect of negligence, default, breach of duty or breach of trust of which he may be guilty in relation to the company shall be void.

As regards existing articles, however, the section is qualified by a proviso that, where such a provision is in force on 1st November, the section is only to take effect on the expiration of six months, i.e., on the 1st May, 1930; thus, those affected are given a period of grace during which they have the opportunity of mending their ways, should such a course of action be either necessary or desirable. Further, nothing in the section deprives any person of any right of indemnity in respect of anything done or omitted while any such provision was in force, and a company may in future indemnify any such person against any liability incurred in defending civil or criminal proceedings in which judgment is given in his favour or in which he is acquitted, or in connexion with any application under s. 372 in which relief is granted by the court.

Section 372 reproduces, with extensions, s. 279 of the Companies (Consolidation) Act, 1908, and now provides that, where a director, manager, officer or auditor apprehends a claim in respect of negligence, default, breach of duty or breach of trust, he may apply to the court for relief, which may relieve him if he has acted honestly and reasonably, and if, having regard to all the circumstances of the case, including those connected with his appointment, he ought fairly to be excused.

(To be continued.)

A Conveyancer's Diary.

Effect of Transitional Provisions of the L.P.A., on Devises of Undivided Shares: *Re Kempthorne.*

The decision of the Court of Appeal affirming that of Maugham, J., in *Re Kempthorne; Charles v. Kempthorne* (*Times*, 24th October), will come as a surprise to most laymen and to not a few members of the legal profession.

The facts (as reported in *The Times*) were as follows: By his will, dated in 1911, Lewis John Kempthorne devised to his brother Charles Henry Kempthorne his heirs and assigns all his freehold and copyhold property, and gave all his leasehold property and all his personal estate and effects to trustees on certain trusts. The testator died in 1928.

The testator was entitled to certain undivided shares in realty, and the question was, whether the share of the testator in the proceeds of sale into which the real property in which he was interested had been notionally converted by the L.P.A., 1925, passed to the devisee of his freehold property or to the legatees of his personalty. The court held that the legatees and not the devisee were entitled.

A full report of this case will be looked for with great interest. In the meantime there is the decision and a condensed report

of the judgment of the Master of the Rolls. Now, there can be no dispute that the effect of the transitional provisions contained in Pt. IV of the 1st Sched. to the L.P.A., 1925, was to convert the undivided shares of the testator in his real property into corresponding shares in the proceeds of sale thereof. Consequently such undivided shares became notionally converted into personalty.

It was upon this ground that the Master of the Rolls rested his judgment.

There were only two arguments of counsel for the appellants which are referred to in the judgment as reported. The first of these was, that under s. 35 of the L.P.A. (which defines the meaning of the " statutory trusts "), it is provided that the proceeds of sale are to be held upon such trusts " as may be requisite for giving effect to the rights of the persons . . . interested in the land," and that, therefore, persons interested in the proceeds of sale were *interested in the land*. The Master of the Rolls disposed of this contention by saying that " persons interested in the land " meant the persons who before the Act were interested in the land—a method of interpretation which, it may be said in passing, has not been applied in other cases. The other argument was, apparently, based upon an analogy with the statutory provisions regarding capital money arising under the S.L.A., 1925, which, under s. 75 (5) of that Act, is for all purposes of disposition, transmission and devolution to be treated as land. That contention failed, because the sub-section in question dealt only with capital money arising under the S.L.A., and not with the proceeds of land held on trust for sale. No other submission of counsel is mentioned in the judgment or in the report.

The result of this judgment undoubtedly is that, if a testator, seised of an undivided share in realty and no other real estate, had made a will on the 31st December, 1925, devising his real estate to A and his personal estate to B, and had died on the following day, A would take nothing in spite of the obvious intention (by which I mean the expressed intention) of the testator. That seems a monstrous result, but I do not see how it is to be avoided if (as of course we must assume to be the case) the judgment in *Re Kempthorne* is right.

This view of the matter seems to have occurred to the Master of the Rolls, for he is reported as saying that : " it was not for the court to speculate as to the testator's intention. It was sufficient to say that the Act came into force on 1st January, 1926, and that the testator lived till August, 1928, and made no alteration in his will."

Now (to put it quite plainly, but I hope, respectfully), if that means anything at all it means that the result might have been different if the testator had died on the 1st January, 1926, which of course upsets the whole basis of the judgment. If that was not Lord Hanworth's meaning it was unfortunate that he should have made use of an expression of ambiguous import on a matter of such far-reaching importance. Moreover, I know of no authority for the proposition that the intention of a testator as expressed in his will can be gathered from what he does or refrains from doing after he has made it.

It seems, however, quite plain that the effect of the judgment is as I have stated it, for there is no qualification in the language in which Lord Hanworth sums up his conclusions. " He came to the conclusion that as the undivided shares in question were made subject to a trust for sale, the words of the devise were not adequate to cover the proceeds of sale, because the property had been converted into personal property."

Accepting this as being a true statement of the law, some rather extraordinary results follow, apart from those appearing in this particular case. Thus, if a testator made a will on the 31st December, 1925, leaving all his copyhold property to A, and all his freehold property to B, and died on the following day, A would get nothing at all and B would get all that the testator intended for A.

If this is really so (and we must take it to be so) it is giving to the transitional provisions of the L.P.A., 1925, an effect which those provisions certainly were never intended to have, and no one ever supposed that they might have, thus affording one more example of the unforeseen results that may flow from such wholesale unsettlement of the law of property as is effected by that Act.

Whilst, of course, accepting the law to be as laid down by the Court of Appeal, it is permissible to suggest arguments, not appearing in the report in *The Times*, which might point to a different conclusion.

The whole and only duty of the court in *Re Kempthorne* was to construe the will of Lewis John Kempthorne. In his will he had (quite rightly) described certain parts of his property as his " freehold and copyhold property." In that description he (quite rightly) included and must be taken to have intended to include his undivided shares in his freehold property. After the commencement of the L.P.A., 1925, there was a notional conversion at law of those undivided shares into what is known as personal property, but there was no actual alteration either by act of the testator himself by selling or contracting to sell those shares, or by any act in the law which made any apparent or ostensible difference in the nature of the property so far as he was concerned. The property which he had described as " freehold property " remained exactly as before—it could be identified just as well at the date of his death as at the date of his will. Therefore, it might have been thought that the property passed under his will to the person whom he intended should have it, although the law had given it a different name.

The Master of the Rolls referred with approbation to the decision of Clauson, J., in *Re Price* [1928] Ch. 579, and, so far as I can gather from the report, seems to have relied upon it as an authority in line with his decision in this case. I confess that I cannot regard it as such. In that case there was no will which the court had to construe. The question there really was, what was the effect of the L.P.A., 1922, and the L.P.A., 1925, upon the estate of one who, before those Acts came into force, was entitled as a customary tenant in tail to an undivided share in copyhold property. The decision in that case probably displayed another oversight in the L.P.A., 1925, by diverting the devolution of settled property in a manner never contemplated, but is hardly an authority upon the construction of a will.

The Master of the Rolls distinguished *Re Mellish* (1927), 164 L.T.J. 23, and *Re Wheeler* [1928] W.N. 225, on the ground that the devises in those cases were specific. Except that in the case of a devise of property specifically described identification is rendered easier, I should not have thought that there was any such distinction. Furthermore, every devise of realty is specific.

I have heard it suggested that, in view of the decision in this case, solicitors will now have the duty cast on them of warning clients who may have property affected by it to make new wills. I do not think that solicitors are likely to do that, except in a few instances, if for no other reason than that they will despair of being able to convince any intelligent layman that the law really is as stated in *Re Kempthorne*.

Landlord and Tenant Notebook.

Waste : The Present Position.

The law relating to waste was applied to leaseholds by the Statute of Marlebridge, 1267 : the first occasion on which the Legislature saw fit to modify the common law, which, till then, had alone governed the relationship of landlord and tenant.

It has long been settled that permissive as well as voluntary waste is actionable : *Yellowly* v. *Gower* (1855), 24 L.J., Ex., at p. 298 ; that the gist of the offence is effecting some change in the property demised to the detriment of the lessor, but that " to better a thing in the same kind " is not waste : *Lord Darcy* v. *Askwith* (1618), Hob. 234 (a subsequent case to

the contrary, *Queen's College, Oxford* v. *Hallett* (1811), 14 East, 489, being considered as no longer good law in *Jones* v. *Chappell* (1875), 44 L.J., Ch. 658) ; and that if a plaintiff recover only nominal damages, the defendant is entitled to judgment : *Harrow School (Governors)* v. *Alderton* (1801), 2 Bos. & P. 86.

In view of the above decisions, and in view of the fact that modern leases usually contain detailed covenants as to repair, user, and structural alterations, it might be expected that the remedy would by now have fallen into desuetude. But—perhaps, partly, because the action for waste and an action on a covenant are cumulative remedies (*Kinlyside* v. *Thornton* (1776), 2 W.Bl. 1111)—there have been several cases in the present century in which the nature of the offence and that of the remedy have been discussed, both in courts of first instance and by appellate tribunals.

In *West Ham Central Charity Board* v. *East London Waterworks Co.* [1900] 1 Ch. 624, land had been demised to the company for ninety-nine years. The lease recited the desire of the tenants to construct a reservoir ; and it contained repairing covenants and a covenant to fill up excavations at the end of the term. They never constructed a reservoir, and in the middle of the term they sub-let to a housebreaker. It was found as a fact that they knew that their tenant (who was joined as a defendant) would use the land as a rubbish shoot. This would raise the level of the surface ; the offensive nature of the rubbish would mean that building dwelling-houses would be prohibited by virtue of the Public Health Acts Amendment Act, 1890, s. 25 ; if factories were to be erected, a higher rental might be obtained, but the initial cost of excavating would be increased by the presence of the rubbish. In granting an injunction against both defendants, Buckley, J., appears, in part of his judgment, to have inclined to the view that the alteration in the nature of the premises was waste *per se* ; but the real basis of the decision was the additional expense which the reversioner would have to meet if he were to build on the expiration of the term.

Defries v. *Milne* [1913] 1 Ch. 98, C.A.; disposes of a *dictum* in *Whitham* v. *Kershaw* (1885), 16 Q.B.D. 613, C.A., to the effect that there was an implied covenant not to commit waste, and settled the nature of the offence as tortious ; in consequence, a right of action for waste is not assignable.

Waste was discussed very fully by the Court of Appeal in *Rose* v. *Spicer, Rose* v. *Hyman* [1911] 2 K.B. 234, the judgment in which was subsequently reversed by the House of Lords : *Hyman* v. *Rose* [1912] A.C. 623. Proceedings for forfeiture had been taken against the assignees of the lease of a chapel. The lease contained repairing covenants, which had been broken by the defendants' predecessors, but only general covenants as to user (specified trades, and annoyance). The defendants, who had purchased with the consent of the Charity Commissioners, had adapted the building for use as a cinema, making various structural alterations. This was put forward as a ground for refusing relief ; the defendants on the other hand offered to deposit such a sum as would ultimately meet the cost of restoration. The question of waste was thus indirectly raised. Taking the view that waste was a question of degree, Lord Loreburn, L.C., held that no harm was done to the reversion ; further, he laid down what may be an important principle in cases of this kind, namely, that in deciding whether the nature of the thing demised has been changed, regard must be had to the user permissible under the lease.

More recently the subject was touched upon in *Marsden* v. *Edward Heyes Ltd.* [1927] 2 K.B. 1. A house and shop combined had been let on a tenancy from year to year, orally ; the tenants had converted the premises into one large shop. The landlord sued for breach of implied covenant and for waste. The decision was based on the ground that the implied covenant to use in a husbandlike manner and to deliver up the premises as let had been broken by the action complained of, and judgment for an agreed sum by way of damages was entered for the plaintiff. With regard to the claim for waste, Bankes, L.J., inclined to the view that in the circumstances it was statute barred ; Atkin, L.J., further expressed the opinion that the implied obligation extended to the repairing of acts of voluntary waste.

Under circumstances not too remote to be unworthy of consideration, it is possible that a reversioner may be able to bring an action for damages for waste when he would be precluded from recovering anything for breach of covenant by virtue of the L. & T. A., 1927, s. 18 (1). The second part of that sub-section provides that no damage shall be recoverable for breach of repairing covenants if it is shown that the plaintiff would pull down the premises shortly after the expiration of the tenancy, or would subject them to structural alterations which would render valueless the repairs covered by the covenants ; but no mention is made of waste. The measure of damages in an action for waste, it was laid down in *Whitham* v. *Kershaw*, *supra*, is the injury to the reversion, subject to an allowance to be made for immediate payment. The fact that a landlord intends to demolish does not necessarily mean that the reversion might not be worth more if he did not demolish ; and it remains to be seen how the courts would deal with an action for waste brought under such circumstances.

Our County Court Letter.

MILLER'S WATER RIGHTS.

In the recent case of *Brown* v. *Nixon*, at Stafford County Court, the plaintiff claimed (1) £2 6s. as damages for trespass, (2) an injunction to restrain the defendant from entering upon the plaintiff's land and interfering with the gates, grids and sluices thereon. The plaintiff, having bought an estate, had sold to the defendant a part comprising a water mill, which had not been used as such for twenty-one years. The plaintiff's solicitors had struck out of the draft conveyance a grant of an easement to the defendant—entitling him to pass over the plaintiff's property in order to regulate the flow of water at the sluice gates—and it was contended that there was no implied grant of such an easement under the Law of Property Act, 1925 (c. 20), s. 62 (1). The defendant's case was that the property had been sold as a corn mill, and that he, as a miller, wished to re-condition it, but that his repairs to the brickwork had been washed away owing to the sluices upstream having been shut by the plaintiff. The defendant contended that he had the right to regulate the flow, that the grids and sluices were his property as part of the mill, that the acts complained of were in the ordinary exercise of his rights, and that the plaintiff's interference was a derogation from grant. The evidence was that the defendant had received a key to the plaintiff's property on completion, and an old workman stated that a previous miller had been accustomed to regulate the flow, i.e., by going daily on to what was now the plaintiff's land. His Honour Judge Ruegg, K.C., observed that the river formed in its course (on the plaintiff's land) two ornamental ponds, in which there was said to be fishing, and the water formed a reserve which the defendant claimed the right to regulate. Such a right had not come to the defendant by grant, however, and it could not be acquired by prescription, as the defendant's only right was to the natural flow of the river having regard to the particular season. Taking the view that there was no real hardship to the defendant—who had not actually worked the mill—His Honour suggested that an undertaking be given not to trespass, but on this being refused an injunction was granted, with costs on Scale B, and judgment was given for 5s. damages.

A miller's right to carry out repairs to a disused mill, even if in so doing he damaged land upsteam, had nevertheless been upheld in *Alder* v. *Savill* (1814) 5 Taunt. 454. The plaintiffs had erected, thirty years before the action, certain pen stocks or valves to prevent flooding of their land, but, although these

had fallen into disrepair, little damage was done owing to the waste of water at the mill downstream. The mill had always been worked at times chosen by the miller, without the control of the plaintiffs, but the defendants (on purchasing the mill) had modernised the machinery. The Court of Common Pleas upheld an arbitrator's award, which had been made on the basis that the defendants were justified in repairing and improving the mill, and thereby penning back the water for longer periods, although greater damage was thereby occasioned to the land of the plaintiffs.

The miller's right to immunity from flooding was upheld in *Saunders* v. *Newman* (1818) 1 B. & Ald. 258. The plaintiff was there prevented from working his mill, owing to the erection by the defendant (who was a miller downstream) of a new hatch-dam or mill-head, which was higher than the old. The water was therefore penned back against the plaintiff's wheel, which became unworkable, but the evidence was that this wheel was also new, and required less water than the old, so that it was not necessary for so much water to escape. Judgment was therefore given for the defendant at Wilts Assizes, on the grounds that (1) the plaintiff had not enjoyed his mill in its then state for the requisite period of twenty years, and his prescriptive rights had not arisen, (2) there was no proof that, if the old wheel had remained, the acts of the defendant would have caused damage. The Court of Kings Bench ordered a new trial, on the ground that the owner of an old mill has a right to the water in the manner in which it has been accustomed to flow, although the miller is not bound to use the water in the same precise manner, or to apply it to the same mill.

Practice Notes.

CONCURRENT JURISDICTION AND UNEMPLOYMENT INSURANCE.

THE extent to which the courts may be controlled by the executive was recently illustrated at Upton-on-Severn, where a coal merchant was charged with offences under the Unemployment Insurance Act, 1920. The case for the prosecution was that the defendant could not or would not furnish the correct dates of the employment of his men, and had sent no reply to a request for payment. An insurance card was then sent to him, and although he had intimated his willingness to pay the arrears he had taken no steps to do so. A former employee gave evidence that he had been employed from April, 1928 (and not from September, 1928, as stated by the defendant), until last February, and had been told that an unemployment card was unnecessary. A present employee stated that he also had no unemployment card, although his health insurance card was properly stamped. The defendant denied refusing to pay, as he was unaware that there was any liability, but the Bench imposed a fine of 10s. in respect of each of the two employees. The Chairman (Mr. Dudley Smith) stated that the defendant (like many others) appeared not to understand the Act, but this was not surprising, and he would be ordered to pay the arrears of employer's contributions only. The prosecution thereupon applied for an adjournment, in order that the decision of the Minister of Labour might be obtained under sub-s. (7) of s. 22 of the Act, which provides, *inter alia*, that, on any question whether a person is or was an employed person within the meaning of the Act, the decision of the Minister shall be conclusive—subject to an appeal to the High Court. In the above case the question of the length of employment of one of the men was a matter of difficulty, and the Bench decided that it was in the defendant's interest not to adjourn the case. The fine in each case was therefore reduced to 2s., but the defendant was ordered to pay the total arrears (including employees' contributions) amounting to £9 8s. 9d., and £3 5s. costs.

AN ANOMALY OF UNEMPLOYMENT INSURANCE.

THE stipendiary magistrate of Leeds (Mr. Horace Marshall) is reported to have described as outrageous the state of affairs revealed in a recent case. At a previous hearing it had appeared that a man was formerly drawing 28s. a week as unemployment benefit (in respect of himself, his wife and two children), but that he subsequently became the father of a child by another woman. He therefore signed the register in respect of himself, the other woman and her child, and this claim was allowed at the employment exchange, but at the same time the claim in respect of his wife and legitimate children was disallowed. The learned magistrate had therefore adjourned the case for an explanation of the course adopted, and at the adjourned hearing it was stated that the man was not "wholly or mainly maintaining his wife," although she held a maintenance order against him of 15s. a week. The learned magistrate thereupon adjourned the case a second time, in the hope that the Ministry might do something. The above procedure might almost be regarded as state-subsidised immorality, but no blame attaches to anyone for the result produced by the statutory provisions. The Ministry deals with the insured contributor and he is entitled to dependants' benefit under the Unemployment Insurance Act, 1922, s. 1 (1) where he is a married man whose wife is being maintained wholly or mainly by him. In the above case, the insured contributor was not fulfilling this condition, so that his claim in respect of his wife was disallowed. The above sub-section was amended by the Act of 1927, s. 4 (2) (*a*), and dependants' benefit is alternatively payable if the insured contributor, being either a man or a woman . . . has residing with him or her and is wholly or mainly maintaining a female person who has the care of the dependent children of the person entitled to benefit. Under the Act of 1922, s. 16 (1), the expression "child" includes an illegitimate child, but the moralists will derive comfort from the fact that the usurper has to qualify for the allowance by looking after her child or children. However, the wife still has the remedy of enforcing the maintenance order granted by the magistrates.

Obituary.

MR. R. N. STEVENS.

We regret to announce the death of Mr. R. N. Stevens, at Bonchurch, I.W., on the 29th ult., at the age of eighty-nine years. Mr. Stevens was the oldest of the law publishers in London, and was an active member of the firm of Stevens and Sons, Limited, for more than seventy years.

Books Received.

Treatise on the Conversion of a Business into a Private Limited Company, with annotated Forms of Memorandum and Articles of Association and other Documents, and some Observations on Reduction of Capital. CECIL W. TURNER, of Lincoln's Inn, Barrister-at-Law. Fifth Edition. 1929. pp. 239, with Index. London, Liverpool and Glasgow: The Solicitors' Law Stationery Society, Limited. 12s. 6d. net.

The Law relating to Husband and Wife. Engagements to Marry, Divorce, Separation, etc. GEORGE FREDERICK EMERY, LL.M., Barrister-at-Law. Crown 8vo. pp. xii and 110. 1929. London: Effingham Wilson. 4s. 6d. net.

A Handbook on the Compulsory Acquisition of Land and Compensation. R. ABERCROMBY GORDON, M.A., LL.M., K.C. Large Crown 8vo. pp. xx and 302. 1929. London: Stevens & Sons, Ld. 12s. 6d. net.

Local Government. A Simple Treatise by E. BRIGHT ASHFORD, B.A. (Lond.), Barrister-at-Law, a member of the St.

More Favourable Annuity Rates

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POINTS IN PRACTICE.

Questions from Registered Annual Subscribers only are answered, and without charge, on the understanding that neither the Proprietors nor the Editor, nor any member of the Staff, is responsible for the correctness of the replies given or for any steps taken in consequence thereof. All questions must be typewritten (in duplicate), addressed to The Assistant Editor, 29, Breams Buildings, E.C.4, and contain the name and address of the Subscriber. In matters of urgency answers will be forwarded by post if a stamped addressed envelope is enclosed.

Accident to Speedway Spectator.

Q. 1762. An unincorporated association, known as "the Gypsy Motor Club," holds a motor-cycle race meeting on a field which they hire for the purpose, and charge for admission. One of the spectators, who has paid for admission, is standing behind the railings surrounding the race track when one of the competitors who is not a member of the club leaves the track with his cycle, comes through the railings, and injures the spectator. The spectator cannot prove any negligence on the part of the competitor, but desires to know whether he has any right of action against the club. If so, who can he sue? Can he sue the secretary on behalf of himself and all other members of the club?

A. The right of action against the club depends on the adequacy of the railings through which the competitor came. It is not stated whether the railings were (*a*) for the protection of the spectators, or merely for keeping the crowd back and marking out the course, or (*b*) erected at a dangerous spot, or at one where no accident would normally be anticipated. In any case, by reason of the dangerous nature of the entertainment, there is a duty on the part of the club to take precautions for the protection of the public, and it would be a very unusual accident to displace the rule of *res ipsa loquitur*. The club could plead the doctrine of *volenti non injuria*—on the ground that anyone interested in such a pastime, as competitor or spectator, must accept the risks of attending a meeting—but *prima facie* the plaintiff is entitled to damages. See the County Court Letter in our issue of the 27th April, 1929, 73 Sol. J. 264. It is doubtful whether the club has any assets, so that it is not advisable to sue the secretary on behalf of himself and all other members. The action should be commenced against the most substantial members of the club, as they are liable even though free from personal negligence: See *Francis* v. *Cockrell*, L.R. 5, Q.B. 501. If they wish the action to proceed against themselves in a representative capacity only, an amendment can be made under the County Court Rules Order XIV, r. 6. See the County Court Letter in our issue of the 15th June, 1929, 73 Sol. J. 380.

Health Insurance and Deed of Assignment.

Q. 1763. Under a deed of assignment, executed on the 6th July, 1928, a client of mine was appointed trustee for the benefit of the creditors. Within six months after my client's appointment as trustee, he was able to declare a dividend of 2s. 6d. in the £. The dividend having been paid, as above stated, the corporation of a local borough claimed £33 for rates and the income tax people made a claim against the estate for £11. These claims were paid. The Health Insurance people claimed £19 for stamps, which had not been put on cards, and it should be noted with regard to this item that the cards were not stamped on the date on which my client was appointed trustee. The Health Insurance people are now pressing the trustee for payment. The question for which a definite answer is sought is, is the trustee, namely, my client, responsible for the amount of stamps above alluded to in view of the fact that the ordinary creditors have been paid a dividend.

A. It is not stated whether the 2s. 6d. in the £ was a first and final dividend, but, in any case, the trustee appears to have acted precipitately in declaring the dividend before ascertaining what claims were outstanding by public authorities. The trustee is therefore responsible for the stamps, both before and after his appointment, and the fact of the ordinary creditors having been paid does not absolve him from liability.

Ejectment—Re-entry by Ejected Tenant.

Q. 1764. A mortgaged his property Whiteacre to a building society, the mortgage containing the usual attornment clause. A became in arrear with his subscriptions. Notice to quit under the attornment clause was served, and subsequently notice under the Small Tenements Recovery Act, 1838. Eventually warrant was granted, executed, and A ejected, and the property locked, the key being handed over by the police to the mortgagees' solicitors. Subsequently A broke in and is in possession. What course can be now taken to eject A?

A. A's action is contempt of court, but it is not committed in face of petty sessions, and the magistrates are therefore unable to take any action. An application could be made to the Divisional Court to commit A, but this would probably be too expensive. The building society can eject A by peaceable re-entry, using no more force than is necessary, as in *Hemmings* v. *Stoke Poges Golf Club* [1920] 1 K.B. 720. In that case it appeared that—although no civil proceedings were possible—the landlords might (if too much force were used) be indicted for forcible re-entry under an ancient statute, but criminal proceedings by A are apparently a remote possibility, and no Grand Jury would find a true bill.

Liability of Postmaster-General.

Q. 1765. We are concerned in a case in which it is desired to make a claim against the Postmaster-General in respect of personal injuries suffered by our client, through the negligence of Post Office workmen in refilling trenches opened for purposes of the Telegraph Acts. We are under the impression, which is confirmed by the decision in *Bainbridge* v. *P.M.G.* [1906] 1 K.B.; 178 C.A., that proceedings cannot be brought against the Postmaster-General, and have so advised our client. We are in communication with the Post Office solicitor on the matter, but he has not raised this point, and seems inclined to negotiate a settlement. We shall be much obliged if you will advise us whether there is any means of bringing proceedings against the Postmaster-General in a case of this kind.

A. The legal position is correctly stated above, but an *ex gratia* payment is probably in contemplation. If the offer be not accepted and proceedings are commenced, the point will doubtless be taken that the action is not maintainable, on the ground that the Crown is not liable in tort.

Estate Duty—Interest on Loan Raised to Pay—Against Whom Chargeable.

Q. 1766. A testator by his will after giving certain pecuniary legacies gave the rest and residue of his estate, both real and personal, to his trustees upon trust to sell and convert with power to postpone, and after payment thereout of his debts funeral and testamentary expenses, to invest in authorised securities, and to pay the income thereof to the widow for her life, and on her death as to both capital and income to the testator's children. One-sixth of the estate is realty. There being no cash in the estate at date of death the executors had to borrow from the testator's bank a sum exceeding £14,000 for the purpose of paying estate duty, etc. Will the interest chargeable by the bank for the accommodation loan be payable as a testamentary expense or should the income from the estate bear such interest?

A. There is no warrant for saying that the interest is a testamentary expense. Power to raise money for payment of duty is given by s. 9 (5), Finance Act, 1894, and on the principle laid down in *Re Egmonts Settled Estates: Lefroy* v. *Egmont* [1912] 1 Ch. 251, the interest is chargeable against the life owner.

Correspondence.

"Who is Owner?"

Sir,—I note in the concluding paragraph of the article under this title on p. 655 of the current issue of THE SOLICITORS' JOURNAL it is with apparent hesitancy that you suggest that a local authority might "be able to choose between landlord and agent, or between agent and agent," and you remark on the absence from the majority judgments of the Court of Appeal in *Watts* v. *Battersea Borough Council* of any comment on the suggestion of Swift, J., that "where there were intermediaries, there might be more than one owner liable." But can there now be any doubt about it? The facts in the case quoted were that one person actually received the rents and accounted for them to the appellant solicitor. Clearly that first person might have been treated as "owner," and by finding that the person to whom he accounted was also an "owner," the Court of Appeal have surely settled that there can be more than one "owner" liable?

JOHN POOLE,
Town Hall, Battersea, S.W.11, Borough Solicitor.
14th October.

[The primary reason for our hesitancy is to be sought in the actual language of the definition, in which the definite and not the indefinite article is used. The statute runs: "owner means *the* person," etc.—not "a" or "any" person. According to the reports of the case referred to, Swift, J., said, early in his judgment: "What had to be determined was whether the appellant came within the definition as *a* person," etc.; and this proposition appears to be the basis of the suggestion made later in the judgment. That suggestion was, of course, made *obiter*; Greer, L.J.'s, adverse comments upon it, were, of course, also made *obiter*; and while Greer, L.J.'s, judgment was a dissenting judgment, the other judgments do not appear to deal with the matter either expressly or by implication. Sankey, L.J., leaves the question quite open: "How the case should be decided if persons entitled to the rack-rent instructed their tenant to pay the rent to their bankers, I am not at present prepared to say." Scrutton, L.J., so far from entertaining the suggestion, asks: "Then who is the owner?" which, if anything, seems to imply that only one person can answer to the description.—ED., *Sol. J.*]

Companies Act, 1929, Section 149.

Sir,—As I am a director of several trading companies, I have been a little exercised as to what I ought to do to comply satisfactorily with this section, and I ventured to write to the registrar to know if he had been advised on the question, whether a trustee shareholder, but without any beneficial interest, was "directly or indirectly interested" in any contract with that company in which he was a shareholder, but had no beneficial interest if that company entered into a act with a company of which the trustee is a director.

The Assistant-Registrar has been good enough to write to me that he has not been advised upon the point I mention, and if there be any doubt about the matter the meaning of the section must, it is assumed, await judicial interpretation.

I am sending to each of my companies of which I am a director a list of every investment which I hold in which I have a beneficial interest, but I have not sent a list of investments in my name in which I have not any beneficial interest whatever.

The difficulty I am in is that s. 101 says that no notice of any trust expressed, implied or constructive, shall be entered on the register, or be receivable by the registrar in the case of companies registered in England. There are several companies registered in England in which my name appears as a shareholder, of course, without qualification, that I have no interest in the shares which are registered in my name. I do not propose to give the companies of which I am a director notice of the shares which stand in my name in companies in which I have not a beneficial interest, and am assuming that, if it should be decided that, although I have no beneficial interest, I am "directly or indirectly interested," I shall not have to pay the fine set out in sub-clause (4). If you have any editorial notes on the subject I am sure they would be read with interest by the profession.

As a matter of antiquarian (almost) interest, you may like to know that I drew what is now reproduced as sub-s. (3) of s. 149 with some verbal alterations, in the year 1889, and that Palmer adopted it immediately after I drew it when he heard that it had passed the Stock Exchange, and now the Legislature have infringed my copyright for which infringement I do not propose to enter into litigation, as I am glad to have benefited the noble army of directors by getting sub-s. (3) into the Act of 1929.

London, E.C.2. E. T. HARGRAVES.
14th October.

Sex Differentiation in Law.

Sir,—May I correct an obvious error in the article "Sex Differentiation in Law," last week? The Privy Council decided that women *were* eligible for the Canadian Senate, and not otherwise, as stated.

If the article was intended to be exhaustive, s. 61 of the Offences Against the Person Act, 1861, might have been mentioned. One offence named in this section can only be committed by a male, but the other is possible for a woman, and Moses punished her with death for it (see Lev. xx, 16).

Section 11 of the Criminal Law Amendment Act, 1885, is also unilateral, though again, women can commit a similar offence. YOUR CONTRIBUTOR.

Sir,—In your article on "Sex Differentiation in Law," you appear to have overlooked s. 194 (1) (*a*) of the Supreme Court of Judicature (Consolidation) Act, 1925.

Lincoln's Inn, W.C. C. P. S.
25th October.

[This section deals with a wife's property after judicial separation, and provides that, if she dies intestate, it shall devolve as if her husband was dead, but there is no corresponding provision as to the husband's death intestate.—ED., *Sol. J.*]

Notes of Cases.

Court of Appeal.

Service *v.* Sundell.

Scrutton, Greer and Slesser, L.JJ. 18th and 21st October.

PRACTICE—ACTION FOR NEGLIGENCE—PLEA OF CONTRIBUTORY NEGLIGENCE—JURY FIND BOTH PARTIES NEGLIGENT—REAL CAUSE OF INJURY—DISAGREEMENT OF JURY—NO JUDGMENT.

Appeal from an order of Lord Hewart, C.J., on further consideration of an action tried with a special jury. The action was brought to recover damages alleged to have been suffered by the plaintiff owing to the defendant's negligence in driving her motor car. The defendant denied negligence, and pleaded contributory negligence. The Lord Chief Justice, in the course of his summing up, directed the jury that the plaintiff could not succeed unless he satisfied them either that there was no negligence on his part, or that, if there was, nevertheless the defendant's negligence was the real cause of the collision. After retiring to consider their verdict the jury sent to the trial judge the following written intimation: "(1) The jury are agreed that there was negligence on both sides; (2) the

jury are not agreed as to which negligence was the greater." This statement was communicated to counsel on both sides, and after some discussion the Lord Chief Justice further directed the jury, and asked them to consider the question "whose negligence was really responsible for the accident." The foreman of the jury answered that the jury were not able to agree on that point. The foreman afterwards said that the jury considered that both parties contributed to the accident. The case was then adjourned for further consideration of the question which party was entitled to judgment on the findings of the jury. After argument on further consideration, Lord Hewart, C.J., in a considered judgment, held that the disagreement of the jury on the question whose negligence was really responsible for the accident made it impossible to give judgment on the jury's verdict for either party. The defendant appealed.

The Court (SCRUTTON, GREER and SLESSER, L.JJ.) dismissed the appeal. The Lord Chief Justice was right in refusing to enter judgment for either party. The disagreement of the jury on the question of what was the real cause of the accident rendered the entry of judgment for either party impossible.

Appeal dismissed.

COUNSEL: *Thorn Drury*, K.C., and *D'Arcy Edmondson*, for the appellant; *Charles Doughty*, K.C., and *Montague Berryman*, for the respondent.

SOLICITORS: *Berrymans; Field, Roscoe & Co.*

[Reported by T. W. MORGAN, Esq., Barrister-at-Law.]

Probate, Divorce and Admiralty Division.

Weatherley *v.* **Weatherley.**

Lord Merrivale, P., and Hill, J. 17th October.

HUSBAND AND WIFE—SUMMONS FOR PERSISTENT CRUELTY—LEAVE TO AMEND TO WILFUL NEGLECT TO MAINTAIN—WILFUL NEGLECT DEFINED—SUMMARY JURISDICTION (MARRIED WOMEN) ACT, 1925.

This was an appeal by the husband, who was a constable in the Metropolitan Police, from an order of Mr. Basil Watson, K.C., at the North London Police Court, awarding the wife maintenance on the ground of wilful neglect to maintain. The wife had taken out a summons alleging persistent cruelty. The parties were married in December, 1923, and there were two children of the marriage. From February, 1927, the wife was a patient in an asylum for a period of eighteen months, and on leaving went to live with her parents. The evidence of the husband was that the allegations of cruelty were unfounded, and that they had lived happily together up to the time when the wife went into the asylum. The house had been kept open and he wanted her back. There were also letters from the wife to the husband in affectionate terms, in none of which were there complaints of his conduct. During the course of the hearing the learned magistrate gave leave to amend by charging wilful neglect to maintain. In the result the husband was ordered to pay to the wife 30s. per week and 5s. per week in respect of each child. Counsel for the appellant submitted that the learned magistrate was wrong in allowing the amendment, that there was no evidence of wilful neglect to maintain, and that there was no evidence corroborating the wife's allegations of cruelty. Counsel for the respondent submitted that there was evidence upon which the learned magistrate could find as he did, he having had the benefit of seeing the parties under cross-examination.

LORD MERRIVALE, P., in the course of his judgment, said that after the wife left the asylum she had suggested a separation which the husband declined. The evidence of persistent cruelty was such that if there were any such finding by any division of the High Court he (his Lordship) would be surprised if it would not be reversed by the Court of Appeal. At a later stage of the proceedings an allegation of wilful neglect to maintain had been added or substituted, apparently without further evidence than the excellent record of the husband. That was a very serious matter. If an occurrence of that kind was to be regarded as the natural outcome of the amendment of the law made by the Summary Jurisdiction (Married Women) Act, 1925, whereby wilful neglect to maintain by itself gave ground to resort to justices for an order for maintenance, much closer attention than in the past must be paid to that class of proceeding. What seemed requisite before a husband could be found guilty of a wilful breach of his duty to maintain was that there must be a refusal to maintain which had no explanation reasonable in common sense and good faith as against a husband who was willing to do his duty. The appellant in the present case was shown to have done his duty to the utmost of his ability and never wilfully to have failed to discharge his marital obligations taking them generally as the relations of husband and wife. He (his Lordship) found very great difficulty in conceiving a case where a woman could come forward disclaiming her proper obligations to her husband, and, having failed to be maintained separately by reason of her disclaimer, and make herself a complainant in law on the ground of her own wrong. The order would therefore be set aside.

HILL, J., agreed.

COUNSEL: *Tyndale*, for the appellant husband; *R. E. Seaton*, for the respondent wife.

SOLICITORS: *W. R. Perkins; G. Albert Davis.*

[Reported by J. F. COMPTON-MILLER, Esq., Barrister-at-Law.]

Societies.

United Law Society.

A meeting of the Society was held on the 21st ult., in the Middle Temple Common-room, Mr. E. N. Pearce in the chair. Mr. S. E. Pocock opened—"That in the opinion of this house the case of *Cassidy* v. *Daily Mirror Newspapers, Ltd.* [1929], 167 L.T. 418, was wrongly decided." Mr. G. W. Tookey opposed. There also spoke Messrs. Burke, Butcher, Ross, Walter, Yates, Pritchard, and Redfern. The opener having replied, the motion was lost by one vote.

A meeting of the Society was held on Monday, the 28th ult., at the Middle Temple Common-room, Mr. H. W. Pritchard in the chair. Mr. C. C. Ross opened:—"That this house deplores the decision of the House of Lords in the case of *Addie (Robert) and Sons (Collieries) Limited* v. *Dumbreck* [1929], W.N. 57." The Hon. D. Meston opposed. Messrs. Hughes and S. A. Redfern having spoken and the opener having replied, the motion was put to the house and lost by one vote.

The Home Secretary and The Howard League.

Mr. Clynes, the Home Secretary, took the chair at a meeting of the Howard League for Penal Reform, held at the Church House, Westminster, on the 24th ult. This in itself, as Miss Margery Fry pointed out, was something of which the League might be proud. It was some measure of the progress prison reformers had made, she said, to have the Home Secretary associating himself with their work and declaring, as he did in his address, that the great object of prison was to reform the prisoner and fit him to take his place in society when he was released. Only ten years ago, said Miss Fry, the Home Secretary of the day reminded one of their deputations that the object of the prison was punishment, not reformation. Mr. Clynes paid a well-merited tribute to the prison visitors, a gallant band of some 500 men and women who give up a good deal of their leisure to go into the prison to talk to the prisoners and show them in this practical way that there were those in the world outside ready to take an interest in them and willing to give them a helping hand when they were released. How greatly they are in need of such assistance can easily be imagined. So many prisoners are weak-willed and unstable, with neither faith to inspire them nor principles to steady them, that to have someone of the mettle of these devoted workers to turn to must be a very real help. They go about their work unobtrusively, unhonoured and unsung, but not unrewarded. One speaker, indeed, at the meeting said the work had proved one of the most fascinating experiences of his life.

The Magistrates' Association.

The Eighth Annual General Meeting and Conference of the Magistrates' Association was held in the Council Chamber of the Guildhall on Wednesday, 23rd ult.

The morning session was opened by the Lord Mayor, Sir Kynaston Studd, who welcomed the Association to the Guildhall.

Sir ROBERT WALLACE, K.C., Chairman of the Council, then took the chair.

Col. G. D. TURNER, H.M. Inspector of Prisons (late Governor of Wakefield Prison), spoke on the experiment in prison communities now being made at that centre. He pointed out that there was no specific statutory authority for the establishment of a prison. The Prison Act of 1898 provides for the classification of prisons, and the Criminal Justice Administration Act of 1914 authorised the appropriation of prisons in whole or in part for the use of certain classes, and the Wakefield experiment was a very natural development out of these provisions and that permission. Classification might be carried out according to different methods; the principle which had been adopted in England was that of degree of criminality. In more recent times the question had been looked at from its positive rather than its negative side, and prisoners were now classified according to their reclaimability. There might be eight to ten classifications in local prisons, but the main classes were the "Star" class, including, roughly speaking, men in prison for the first time, the "Special" class, that is, the young recidivists of twenty-one to twenty-six years of age, and the ordinary class—the older recidivists. In Wakefield they were not doing something different from what was being done in other prisons, but they were doing it under much more favourable conditions. In the first place there was plenty of room inside and outside the walls, plenty of space for workshops and for physical training. Secondly, all the men sent to that prison were physically and mentally fit; they had none of the cripple or the border line cases. Again, all the men were serving sentences of six months or longer. This last made a great difference; for the short term prisoner was the bugbear of the prison governor. If magistrates could follow the fantastic career of the man serving a seven days' sentence, they would never give it again.

One important feature of the Wakefield system, was, the speaker said, the reception principle. The new prisoners, who numbered only ten to fifteen a week, were seen by the deputy governor, the chaplain, the education officer and the secretary of the Prisoners' Aid Society. These formed a reception court by whom the newcomer was formally received into prison. They did not ask him about his previous convictions; they looked upon him, not as a man with a past to be absolved, but as a man with a future to be made. They tried to find out what he hoped or would like to do when he came out, and to explore every avenue that might lead to something hopeful in the man's future. He was invited to say what work in the prison would be helpful to him on his discharge, he had a prison visitor assigned to him and was introduced to the community whose life in the prison he was to share. The Wakefield prisoner had not greater individual rights than elsewhere, but he was a member of a community in whose privileges he was entitled to share. It was explained frequently and clearly to the whole body of the prisoners that these privileges were not the individual right of any man but of the community, by whom they must be earned and safeguarded, and that they were liable to be forfeited if any one of the community in any way abused them. The authorities did not look on those committed to their charge as either moral or spiritual failures, but as social failures, men who had allowed their individualistic propensities to override their social propensities. They tried to teach them that society could only function if the individual were willing to forego his personal desires for the community's good.

One of the community's privileges was freedom from search on going from workshop to cell. On one occasion when a tool was missing from the workshop of the special class all community privileges ceased, and that brought home to the individual culprit what he had done, and to the others how they were liable to suffer if one had committed any delinquency. This privilege was very seldom abused and nearly always in that "special" class. A particularly forceful individual who gave trouble in this way was separated from his fellows and put with the older recidivists. It was not long before they showed him that they wouldn't have their privileges interfered with by any "funny business" on his part. From such lads had come some of the most interesting and successful cases.

The authorities had felt for some time that they were not having the satisfaction they had hoped for from the lads of sixteen to twenty-one, the product of the war, lads who had never really learnt to do a hard day's work. It was felt it might do them good to work long and continuously at high pressure. A sum of money was provided in order to give to these lads for specially hard work immediate remuneration for the provision of comforts in their prison life. Four hundred units was the work of the ordinary prisoner per week, and these lads were told that they were expected to do 50 per cent. more, i.e., 600 per week, but that the profit produced above that would go to their community. These lads had worked from 648 units the first week to 712 the next; the results of the third week were not available, but the figure was probably higher. The small reward acted as a fillip, and it was the community for whom they were working, not themselves, the profit being divided equally amongst them all.

Eighteen months ago another privilege had been instituted: the prisoners began to play football, eight or ten teams playing on each Saturday afternoon, and to their credit it had been said that they were the only football field in the North of England off which no player had ever been ordered. Enumerating the advantages of this development, Colonel Turner said that, in addition to providing healthy exercise and wholesome rivalry, and a topic of conversation during the week, it had had the unforeseen result of proving a new means of estimating the character of the prisoners, for you must see a man interested and excited if you were to understand him.

Going on to results, he said that there were no statistics with which to compare Wakefield: one could only judge from the men themselves. He had been inspecting another prison lately and a prisoner had asked for an interview. When it was granted it was not, however, to formulate the anticipated complaint, but to say how sorry he was to have "let him down." Another, referring to his wireless talk, had said it was "just like old times." It might come to be true that a man could look back with appreciation and gratitude to twelve months spent in Wakefield Gaol.

Mr. CECIL WHITELEY, K.C., then spoke on licensing. The time had come, he said, when in the view of most there must be some change in the licensing laws. The most urgent matter was clubs. There had been of recent years an enormous increase in the number of registered clubs, and the registration of these should, he thought, be in the hands of the justices, not the police. There were a large number of genuine clubs, and the *bona fide* club must be distinguished from the "drink" club. He suggested that secretaries of clubs should be obliged to make a return not only as at present, of receipts from everything, including alcoholic drinks, but also of the receipts from the latter alone, so that the percentage of profit from the sale of alcohol should be clearly seen. Registration of existing clubs would then proceed on the following plan: Social clubs, registration with power to the justices to refuse only if it was a case of a not fit and proper person or of misconduct of some kind; non-social or drink clubs, the same discretion to the justices as in the case of licensed houses. With regard to the way of dealing with registration in the future, Mr. Whiteley suggested that the justices should have the same powers as they now had in the case of public-houses; they might well be trusted to grant these registrations and there might be an appeal to quarter sessions in the case of refusal. Mr. Whiteley touched also on the improved public-house, urging justices where they really found a new licensed house was required to see that it had plenty of space and large general rooms. With reference to the anomalies in connexion with hours of closing, he suggested that as regarded the last hour it might be advisable to go back to the pre-war arrangement by which there was one hour for a whole area such as the Metropolitan district. It need not be the old one, but the establishment of a uniform hour would prevent the present absurd situation, where it was only necessary to cross a bridge or to cross the street to find a second public-house which remained open an hour longer than the first.

Sir ROBERT WALLACE, in announcing to the afternoon session the receipt of a message expressing Lord Hewart's regret that business in the courts prevented his being present, spoke of the beneficial results which in his experience had followed the use of probation. The most curious objection that he had ever seen taken to the system was that it "prolonged the prison atmosphere." If he thought that for one single moment, he would rank himself with the opponents of probation, but it was not so. Probation officers were not prison warders, but men sympathetically prepared to try to find the probationer work, to give him that advice which was so necessary and to make him realise that there was someone in the world who cared for him. After twenty-three years' experience as head of the London Sessions, where the Probation Act had been more freely administered than in any other court in the kingdom, he had found that 94 per cent. of those placed upon probation never returned to a criminal life.

The meeting proceeded at this point to the election of officers and the Lord Chancellor (Baron Sankey) was unanimously elected President of the Association.

In Parliament.

House of Commons.

Questions to Ministers.

SLUM CLEARANCE.

Lieut.-Col. FREMANTLE: May I ask the Leader of the Opposition—(*laughter*)—may I ask the Leader of the House whether the much promised Measure for slum clearance is included in what he called the minor Bills, and so is not considered of sufficient importance to be introduced before Christmas.

Mr. SNOWDEN: I certainly do not include the Slum Clearance Bill among the minor Measures to which I referred; I hope that when the Bill is introduced it will be recognised that it is a Bill of first-rate importance. I think the answer to the hon. and gallant Member's question has been given by the Prime Minister—(*laughter*)—these slips are apparently contagious; it takes us a little time to get out of old habits. The answer to the hon. and gallant Member's question has been given by the Leader of the Opposition, namely, that the programe which we have outlined, and which we hope to get through with the assistance of the Opposition, so far as our proposals meet with their approval, is a rather ambitious programme; but I can assure the House that the Slum Clearance Bill will be taken as soon as ever Parliamentary time permits. 29th October.

EDUCATION (SCHOOL AGE).

Mr. HARRIS: May I ask when the Bill for providing for the raising of the school age will be introduced, because the local authorities are very anxious to know.

Mr. SNOWDEN: The Government have given a definite pledge that that matter will be dealt with in time for the scheme to come into operation on the 1st April, 1931. I can assure the hon. Member that the Bill will be introduced in time for that. I do not see that any delay in introducing the Measure will in the least inconvenience the local authorities, because they know that they must be making preparations in order to give effect to the provisions of the Bill. 29th October.

EDUCATION (MAINTENANCE GRANTS).

Mr. D. G. SOMERVILLE asked the President of the Board of Education the amount of maintenance which it is intended to grant in connection with the raising of the school age to fifteen?

THE PRESIDENT OF THE BOARD OF EDUCATION (Sir Charles Trevelyan): I am not at present able to make any statement on this point. 29th October.

CORONERS' INQUESTS.

Sir K. WOOD (*by Private Notice*) asked the Home Secretary whether he is aware of the considerable public apprehension concerning the recent conduct and procedure of certain coroners' inquests, particularly in relation to the ancient and well established rights and liberties of the subject, and whether he can make any proposals or statement to the House in the matter?

Mr. CLYNES: I am obliged to the right hon. Gentleman for his courtesy in giving me long notice of this question and thus affording me the opportunity of consulting with my noble Friend the Lord Chancellor and my hon. and learned Friend the Attorney-General upon the legal aspects of the matter. As the right hon. Gentleman is no doubt aware, the law relating to coroners' inquests was revised and brought up to date by a comprehensive measure passed only three years ago. The view in which the authorities I have consulted concur is that it would be a mistake so soon after the revision of the law to consider making another fundamental alteration because of what has happened in one or two quite exceptional cases. The provision under which coroners pursue their inquiries up to the point of enabling the jury to find the persons, if any, who have been guilty of murder or manslaughter embodies the ancient common law of England. Having regard to the number of inquests held every year—over 30,000 in 1927—the criticisms of the working of this provision have been remarkably few, and on the other hand there have been very many cases in which its value has been clearly demonstrated. I propose, therefore, as at present advised, to take no action in the matter. 29th October.

The Law Society at Bournemouth.

ANNUAL PROVINCIAL MEETING.

[BY OUR SPECIAL REPRESENTATIVE.]

The proceedings were concluded on the morning of Wednesday, the 2nd ult., when Mr. FRANK GRAHAM read the following paper:—

THE PROFESSION OF THE LAW.

As members of a profession, engrossed in its daily tasks and engagements, we seldom turn aside to ask ourselves whether, apart from the fulfilment of the pressing duties of our calling, we have any place in the body politic, or whether in this changing age we carry any weight or influence in shaping it for the common weal.

Our annual autumnal gathering, however, may prove to be an opportunity, not otherwise to be found, for such reflection; and if so it should not be impossible to recognise the unique position which the profession, as a whole, in close touch as it is with men and women of every class, should hold, in guiding and stabilising the streams of thought and action, which have been and are flowing strongly through our country, into channels which may, at least, avoid disappointed hopes and harmful upheavals.

The mere realisation of the fact that we are members of a profession which has to play its part in steadying and guiding our country in days of change and crisis will, without doubt, tend to influence both our judgment and our advice. Class warfare, from either side, will be deprecated; disputes and difficulties will be viewed and advised on from more than one angle; while imperceptibly a spirit of goodwill and conciliation will both infuse our arguments and qualify our actions.

With these opening observations as to our place and usefulness in the nation's life may we go on to consider some aspects of a profession which entails such opportunities and responsibilities.

THE PROFESSION OF THE LAW.

Its entrance.

One of the most striking features of our profession is that it is carried on by persons of varying degrees of qualification. Indeed in a period like the present when knowledge is extending on every hand, and the habits and thoughts of men are perceptibly changing under the influence of a post-war outlook, the suitable equipment for the practice of the profession of the law (apart from the revolutionary character of recent legislation in regard to the laws of property and descent) becomes increasingly complicated and involved.

No longer can the tendering of advice, based only on observation and experience, suffice; for he who would be wise to-day in the ways of the law will find himself, like unto the searcher after mineral wealth, faced with a succession of strata, in the form of statutes, ancient and modern, and judicial decisions of varying lucidity, through which he must of necessity drive the shaft of his intelligence before he can obtain the desired result.

To meet this situation there is the well planned and expanding curriculum of the Society's law school; the guide and counsellor of the budding lawyer as he passes through the entrance gate of general knowledge into articles of clerkship before descending, duly qualified, into the arena of his chosen profession. In this purpose of leading our articled clerks by the best and surest road to that intellectual well-being which will constitute their principal capital in professional life the Society is undoubtedly undertaking the most important of its many tasks; and no profession, perhaps, more amply repays the acquisition of a thorough, and at the same time, practical, education and training. In proportion to the development of his knowledge will the future practitioner become valuable to himself, and therefore capable of being valuable to others.

In this connection it may not be out of place to suggest that a power worthy of cultivation, but somewhat neglected in our legal curriculum, is that of *utterance*. Our power over others lies not so much in the amount of knowledge and thought within us as in the ability to utilise and express it. A lack of facility, either to express or adapt ourselves to the various degrees of intellect met with from time to time in the practice of the law is not unknown amongst us; and both in negotiation and in argument many a case has failed to secure a satisfactory presentation through want of suitable words. The addition to the present course of studies of a class for discussion (apart from the well-known and approved debating societies) would probably meet a real need.

THE PROFESSION OF THE LAW.

Its continuance.

Here, it may be noted, that confidence is the soil out of which employment grows, and that good repute has been

likened to fire—once kindled it is easily kept alive, but when extinguished not easily lighted again.

Our work must largely partake of the character of those who do it; and the tone of our professional character will depend on the estimate which we form of the duties we undertake, and of the spirit which ought to actuate us in carrying them out. For instance, service rendered gives a feeling of satisfaction; but if the service is fulfilled solely in the expectation of reward, the consequent satisfaction is no little dimmed.

In the profession of the law there is, it may be said, little or no room for the diffident or retiring nature—distrustful of his own abilities he is unlikely to do justice to his client's cause. At the same time success in the profession is seldom given to him whose chief asset is self-confidence and assurance, and who, while active in the protection of his client's interest, is not careful as to the means used to attain the sought-for end.

To say that scrupulous exactitude in money matters and the strictest integrity in handling the property of others is required in the profession of the law is to state that which is the basis of the confidence we seek to win; while the neglect of suitable care and attention will undoubtedly lead, sooner or later, to difficulties and confusion. The periodical visit of the auditor, if not essential, is certainly most expedient in the practice of the law.

Experience, if coupled with adequate knowledge, will be found to be of the utmost value; at the same time it needs to be utilised with considerable care. The problems that present themselves for solution, day by day, constantly vary, and generally speaking the presence of some unknown element will prevent an easy or common interpretation.

The danger of over-confidence in one's own opinion of the badness of the client's case has often been realised by practitioners of experience; but there is the still greater danger, a mistaken, but confident, opinion that the case is good.

In the profession of the law an intelligent thrift of time is of the utmost importance to the busy man; and order and proportion in our work will be found to be the true secret of the smooth working of the office machine. A certain degree of latitude in regard to working hours may be necessary from time to time; but to seek to stretch such latitude beyond reasonable limits will be found to be harmful and unwise. While intelligence and energy may be stimulated by pressure from without, yet any beneficial effect may quickly be lost if the pressure becomes too great.

Let the younger practitioner have no fear as to the future. The high places of the profession, few though they be, may be reached with the exercise of quite ordinary qualifications, and in the profession of the law application and attention are seldom left without reward.

THE PROFESSION OF THE LAW.

Its drawbacks.

Not for us that self-determination which to-day is claimed not only by the younger nations of the world, but also by the younger professions. At will they may fix and adopt a scale of remuneration, adequate or otherwise, for their services; while the legal profession remains tied and bound by statutes and rules, with resultant fees that at times look strangely meagre in the light of those which have to be paid elsewhere.

Not for us (with few exceptions) government appointments to official positions. That the *solicitor* to be appointed must needs be a *barrister* is, alas, one of the paradoxes of the legal world.

Not for us the addition of alphabetical lettering to our names, for the purpose of illuminating our professional standing, as the manner of some is.

Not for us the creation of legal literature on the varied branches of the law—for, after the daily demands of our professional life have been met, there is neither time nor strength for authorship. Whilst *originality*, a valued element in most human affairs, finds little or no scope in the practice of the law.

THE PROFESSION OF THE LAW.

Its guardian.

It is of moment that members of the profession should not only properly estimate the immense value of The Law Society to our collective and individual well-being, but also take an active interest in its welfare and extension—joint counsels and efforts are ever needful wherewith to meet common dangers and difficulties.

The advantages secured to the profession by the united action of our Society have been many; and it is surely true wisdom to rely, for the preservation and extension of those advantages, on the body by which they have been secured.

The Law Society therefore has a just claim on our wholehearted confidence and support; but to its continued maintenance and efficiency the loyalty and help of *all* members of the profession becomes more and more indispensable.

It is certainly probable that the two branches of our profession in this country will continue to remain apart; but the spirit underlying both must be one and the same; ever seeking to exert its influence in upholding that freedom and justice, amongst all classes of the community, for which as a nation we are justly proud. To this end a joint school of law in the days to come would surely not be unwelcome to all concerned.

THE PROFESSION OF THE LAW.

Conclusion.

A profession which has proved so useful cannot escape occasional misunderstandings and abuse; but if we are in earnest in seeking to promote a growing spirit of fellowship and co-operation in the service of our profession we shall be able, in the future, as in the past, safely to weather any storms that blow. That in a sense we belong not so much to ourselves as to our profession, is perhaps, hardly, as yet, fully realised; else surely the obligation, under which poor persons may now command our service to enforce their rights and redress their wrongs, would be more definitely acknowledged by the profession as a whole and not left to a minority to undertake and fulfil. The day, however, must assuredly come when the whole profession will be genuinely proud of its Poor Persons Procedure.

To recapitulate, while the services of our profession are indispensable to the well-being of the nation, a responsibility which cannot be evaded rests upon us, both individually and collectively, as to the manner in which those services are discharged.

In days, therefore, when movements leading to agitation and upheaval may, from time to time, menace our Constitution there should surely come to the profession of the law a quickened sense of corporate responsibility, a stronger emphasis on right ideals and practical reforms, as well as a close adherence to those indispensable high standards of conduct and practice which are our conscious heritage from the past—thus, and thereby, taking a definite part in rightly directing the forces of this changing age, as well as fulfilling the responsibilities which rest upon the profession as an integral part of the national life.

The subject was well chosen, carefully, indeed admirably, treated, and in the hope that members of both branches of the profession will read it, we have pleasure in reproducing the text.

Mr. Robert G. Pollock (Derby) read an interesting paper on the differences between English and Scots law, in which however, some obvious slips occurred. For instance, in the statement that "In England a plaintiff may elect to dispense with all evidence except a sworn statement exacted from the defendant, which is conclusive and final," it is quite clear that the reference was intended to refer to the practice in Scotland. Again, it is pretty generally appreciated in legal circles in this country that a jury in criminal cases in Scotland consists of fifteen members (and not twelve as in civil cases).

Legal Notes and News.

Honours and Appointments.

Mr. ROBERT S. BLOOMFIELD, Barrister-at-Law, has been appointed a puisne judge of the High Court of Judicature at Bombay. Mr. Bloomfield was called to the Bar by the Inner Temple in 1925.

Mr. DONALD G. FINCHMAN, Solicitor, Shrewsbury, Assistant Solicitor in the Office of Mr. A. A. Johnson, Clerk of the Peace and Clerk of the Salop County Council, has been appointed Deputy Town Clerk of the County Borough of Southend-on-Sea. Mr. Finchman was admitted in 1922.

Mr. ABRAHAM T. JAMES, K.C., has been appointed Chairman of the Cardiganshire Quarter Sessions. Mr. James was called to the Bar in 1911, and took Silk in 1928.

Mr. J. M. DODDS, LL.B., Assistant Solicitor in the office of Mr. J. Birch Allon (B.A., Lond.) Town Clerk of Wolverhampton, has been appointed Deputy Town Clerk of Harrogate. Mr. Dodds was admitted in 1925.

Mr. H. J. HARRISON, Deputy Clerk to the Salford Board of Guardians, has been appointed Public Assistance Officer to the Norfolk County Council.

Mr. D. TAYLOR RITCH, Barrister-at-Law, Jedburgh, has been appointed an Hon. Sheriff Substitute for Roxburghshire.

Mr. GEORGE T. ADAMS, Solicitor, Troon, has been appointed joint Town Clerk of Troon and joint Clerk to the Police with his partner, Mr. Robert Young, who has been Town Clerk since the formation of the burgh thirty-three years ago.

MIDLAND BANK EXECUTOR & TRUSTEE COMPANY LIMITED.

NEW BRANCH IN NEWCASTLE-ON-TYNE.

The Midland Bank Executor & Trustee Company Limited, which is affiliated with the Midland Bank Limited, announces the opening of a new branch at 33 Mosley-street, Newcastle-on-Tyne, under the management of Mr. F. C. Fildes. In addition to the head office in Poultry, London, E.C.2, the Midland Bank Executor & Trustee Company possesses branches in Birmingham, Leeds, Liverpool and Manchester.

ADMINISTRATION OF THE POOR LAW.

Mr. Arthur Greenwood, Minister of Health, has, with the concurrence of the Home Secretary and of the Minister of Labour, appointed a Departmental Committee, whose terms of reference are :—

"To enquire into the administration of the laws relating "to the relief of the casual poor and to make recommenda-"tions having special regard to the assistance of persons "genuinely seeking work and to persons suffering from "physical or mental disability."

The members of the Committee are as follows :—The Rev. L. R. Phelps, M.A., D.C.L. (Chairman); Mr. J. A. Dale, C.B.E.; The Rt. Hon. Douglas Hacking, O.B.E., M.P.; Sir Arthur Lowry, C.B.; Mr. A. C. Parsons, M.R.C.S.; Mr. A. Paterson, M.C.; Mr. A. Shepherd, M.P.; and Mrs. Wintringham, J.P.

The Secretary of the Committee will be Mr. L. N. Ure of the Ministry of Health, Whitehall, S.W.1, to whom all communications should be addressed.

THE BANKING INQUIRY.

When a resolution that agriculture should be represented on the banking inquiry committee came before the National Farmers' Union Council recently, it was stated that notification had been received from the Ministry of Agriculture that it was not proposed to give representation on the committee to any sectional interest.

CIRCUITS OF THE JUDGES.

Additional Circuits to those published *ante*, p. 677 :—

WESTERN CIRCUIT.
(Second Portion.)
Mr. Justice MCCARDIE.
Mr. Justice CHARLES.

Tuesday, 12th November, at Bristol.

Mr. Justice CHARLES.

Tuesday, 19th November, at Winchester.

N. EASTERN CIRCUIT.
Mr. Justice BRANSON. (2)
Mr. Justice HAWKE. (1)

Thursday, 31st October, at Newcastle.
Monday, 11th November, at Durham.
Tuesday, 19th November, at York.
Tuesday, 26th November, at Leeds. (2)

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON

DATE.	EMERGENCY ROTA.	APPEAL COURT No. 1.	Mr. JUSTICE EVE.	Mr. JUSTICE ROMER.
M'nd'y Nov. 4	Mr. Hicks Beach	Mr. Ritchie	Mr. Jolly	Mr. Ritchie
Tuesday .. 5	Blaker	Andrews	Ritchie	*Blaker
Wednesday. 6	More	Jolly	Blaker	Jolly
Thursday .. 7	Ritchie	Hicks Beach	Jolly	*Ritchie
Friday 8	Andrews	Blaker	Ritchie	Blaker
Saturday .. 9	Jolly	More	Blaker	Jolly
DATE.	Mr. JUSTICE MAUGHAM.	Mr. JUSTICE ASTBURY.	Mr. JUSTICE CLAUSON.	Mr. JUSTICE LUXMOORE.
M'nd'y Nov. 4	Mr. Blaker	Mr. More	Mr. Andrews	Mr.*Hicks Beach
Tuesday .. 5	*Jolly	Hicks Beach	*More	Andrews
Wednesday. 6	*Ritchie	Andrews	*Hicks Beach	*More
Thursday .. 7	*Blaker	More	*Andrews	Hicks Beach
Friday 8	*Jolly	Hicks Beach	More	*Andrews
Saturday .. 9	Ritchie	Andrews	Hicks Beach	More

*The Registrar will be in Chambers on these days, and also on the days when the Courts are not sitting.

The CHRISTMAS VACATION will commence on Tuesday, the 24th day of December 1929, and terminate on Monday, the 6th day of January, 1930, inclusive.

VALUATIONS FOR INSURANCE. It is very essential that all Policy Holders should have a detailed valuation of their effects. Property is generally very inadequately insured, and in case of loss insurers suffer accordingly. **DEBENHAM STORR & SONS (LIMITED)**, 26, King Street, Covent Garden, W.C.2, the well-known chattel valuers and auctioneers (established over 100 years), have a staff of expert valuers and will be glad to advise those desiring valuations for any purpose. Jewels, plate, furs, furniture, works of art, bric-a-brac, a speciality.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (31st October, 1929) 6%. Next London Stock Exchange Settlement Thursday, 7th November, 1929.

	MIDDLE PRICE 30th Oct.	INTEREST YIELD.	YIELD WITH REDEMPTION.
English Government Securities.		£ s. d.	£ s. d.
Consols 4% 1957 or after	83¾	4 15 6	—
Consols 2½%	54½	4 11 9	—
War Loan 5% 1929-47	100½	4 19 9	—
War Loan 4½% 1925-45	94½	4 15 3	5 0 0
War Loan 4% (Tax free) 1922-42 ..	100⅛	3 19 11	3 19 6
Funding 4% Loan 1960-1990	86½	4 12 6	4 13 6
Victory 4% Bonds (available for Estate Duty at par) Average life 35 years ..	92	4 7 0	4 9 3
Conversion 4½% Loan 1940-44 ..	96½	4 13 3	4 17 0
Conversion 3½% Loan 1961	75½	4 12 9	—
Local Loans 3% Stock 1912 or after ..	62¼	4 16 5	—
Bank Stock	246	4 17 7	—
India 4½% 1950-55	86	5 4 8	5 10 6
India 3½%	67	5 4 6	—
India 3%	57½	5 4 4	—
Sudan 4½% 1939-73	92	4 17 9	4 19 0
Sudan 4% 1974	83	4 16 5	4 19 0
Transvaal Government 3% 1923-53 (Guaranteed by British Government, Estimated life 15 years)	83	3 12 3	4 2 0
Colonial Securities.			
Canada 3% 1938	86	3 9 9	4 19 0
Cape of Good Hope 4% 1916-36 ..	92	4 7 0	5 7 6
Cape of Good Hope 3½% 1929-49 ..	80	4 7 6	5 2 0
Commonwealth of Australia 5% 1945-75	95	5 5 3	5 5 9
Gold Coast 4½% 1956	93	4 16 9	4 19 9
Jamaica 4½% 1941-71	92	4 17 10	4 19 0
Natal 4% 1937	91	4 7 11	5 11 3
New South Wales 4½% 1935-45 ..	87	5 3 6	5 15 0
New South Wales 5% 1945-65 ..	94	5 6 5	5 7 6
New Zealand 4½% 1945	93	4 16 9	5 3 9
New Zealand 5% 1946	101	4 19 0	4 18 0
Queensland 5% 1940-60	92	5 8 8	5 9 9
South Africa 5% 1945-75	102	4 18 0	4 17 9
South Australia 5% 1945-75	94	5 6 5	5 6 9
Tasmania 5% 1945-75	93	5 7 6	5 8 3
Victoria 5% 1945-75	94	5 6 5	5 6 9
West Australia 5% 1945-75	94	5 6 5	5 6 9
Corporation Stocks.			
Birmingham 3% on or after 1947 or at option of Corporation	61	4 18 4	—
Birmingham 5% 1946-56	100	5 0 0	5 0 0
Cardiff 5% 1945-65	99	5 1 0	5 1 0
Croydon 3% 1940-60	68	4 8 3	5 2 0
Hull 3½% 1925-55	76	4 12 1	5 4 0
Liverpool 3½% Redeemable by agreement with holders or by purchase ..	71	4 18 7	—
Ldn. Cty. 2½% Con. Stk. after 1920 at option of Corpn.	51	4 16 3	—
Ldn. Cty. 3% Con. Stk. after 1920 at option of Corpn.	62	4 16 9	—
Manchester 3% on or after 1941 ..	62	4 16 9	—
Metropolitan Water Board 3% 'A' 1963-2003	60	5 0 0	—
Metropolitan Water Board 3% 'B' 1934-2003	63	4 15 3	—
Middlesex C. C. 3½% 1927-47	81	4 6 5	5 2 6
Newcastle 3½% Irredeemable	70	5 0 0	—
Nottingham 3% Irredeemable	60	5 0 0	—
Stockton 5% 1946-66	100	5 0 0	5 0 0
Wolverhampton 5% 1946-56	100	5 0 0	5 0 0
English Railway Prior Charges.			
Gt. Western Rly. 4% Debenture ..	79½	5 0 8	—
Gt. Western Rly. 5% Rent Charge ..	99	5 1 0	—
Gt. Western Rly. 5% Preference ..	91	5 9 11	—
L. & N. E. Rly. 4% Debenture ..	74	5 8 1	—
L. & N. E. Rly. 4% 1st Guaranteed ..	71½	5 11 11	—
L. & N. E. Rly. 4% 1st Preference ..	64½	6 3 0	—
L. Mid. & Scot. Rly. 4% Debenture ..	77½	5 5 3	—
L. Mid. & Scot. Rly. 4% Guaranteed ..	74	5 8 1	—
L. Mid. & Scot. Rly. 4% Preference ..	68½	5 16 10	—
Southern Railway 4% Debenture ..	77½	5 3 3	—
Southern Railway 5% Guaranteed ..	95	5 5 3	—
Southern Railway 5% Preference ..	85½	5 17 0	—

BILLS OF COSTS accurately prepared and completed by experienced Draughtsman. Party and Party, etc., Solicitor and Client.—Gulson, 297, Lordship-lane, S.E.22.

GENTLEMAN, accustomed to committee work and shorthand, with experience in reference work under the Rating and Valuation Act, will be free shortly; good worker; reasonable salary if some prospects.—Apply, in first instance, "B.," Box 55, c/o Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR'S Managing Clerk, unadmitted, wide experience litigation, conveyancing, common law; pleads fresh start any capacity, moderate salary; can furnish guarantee.—Lex, c/o W. W. Jemmett, F.I.S.A., Secretary, Central D.P.A. Society, Victory House, Leicester-square, W.C.2.

PRACTISING Solicitor would consider appointment as assistant where proper facilities would be given for the conduct of his own practice on terms. Experience mostly conveyancing and High Court litigation, some advocacy. London only.—Write "M.," Box 353, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR, B.A., LL.B. (Camb.), available for locum work or to assist busy solicitor. South. Conveyancing, probate, trust, and general.—Box 95, Solicitors' Journal, 29, Breams-buildings, E.C.4.

ADMITTED Managing Clerk, general practice large city seven years, two years sole charge, desires engagement owing to amalgamation. Specialities: litigation, advocacy. Athletic, bachelor, and insatiable worker.—"M.P.," Box 459, c/o Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR (46), School and University, with 10 years' experience in engineering (workshop and drawing office), 5 years under articles and 5 years in further experience and managerial work prior to his entry into the legal profession, and who has 16 years association with the law, and is at present on his own account in practice as a solicitor, desires a sound administrative appointment with an important undertaking; has a real live mind and is a capable organiser; thoroughly conversant with present-day methods of commercial life and efficient in legal procedure: highest references; principals only.—Box No. 1, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR (37), now in practice on own account, small connection, desires managing clerkship in London, with liberty to practise. Salary by arrangement.—"J.," Box 448, Solicitors' Journal, 29, Breams-buildings, E.C.4.

YOUNG Solicitor undertakes drafting accounts, looking up points, etc., for busy solicitors in return for small charge.—"E.," Box 275, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR (2nd Class Honours), with over 30 years' continuous experience in conveyancing, trust and probate work, willing to assist Solicitors by post.—"S.," Box 312, Solicitors' Journal, 29, Breams-buildings, E.C.4.

EX-OFFICERS AND OTHER RANKS.

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